

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC.,  
a Michigan corporation,

Plaintiff,

vs.

Case No. 2:09-CV-10756  
Hon. Marianne O. Battani

NAVIGATION CATALYST SYSTEMS, INC.,  
a Delaware corporation; CONNEXUS CORP.,  
a Delaware corporation; FIRSTLOOK, INC.,  
a Delaware corporation; and EPIC MEDIA  
GROUP, INC., a Delaware corporation,

Defendants.

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**DECLARATION OF WILLIAM A. DELGADO IN SUPPORT OF  
DEFENDANTS' MOTION TO CONTINUE TRIAL**

I, William A. Delgado, declare as follows:

1. I am over the age of eighteen and am lead counsel for Defendants in this matter. I have personal knowledge of the facts stated herein except where stated on information and belief, and, as to those matters, I believe them to be true.

2. Attached as Exhibit A is a true and correct copy of the meet and confer e-mail regarding this motion between me and Enrico Schaefer, Plaintiff's lead counsel.

3. Attached as Exhibit B is a true and correct copy of an e-mail from U.S. Airways forwarded to me by John Berryhill evidencing his travel plans to come to trial in Detroit, Michigan during the originally-scheduled trial date.

4. On or about February 6, 2012, I e-mailed Professor Rich Korf, another expert witness for Defendants, to confirm his availability for trial. Attached as Exhibit C is a true and correct copy of an e-mail exchange between me and Rich Korf, one of Defendants' expert witnesses, dated February 7, 2012.

5. On February 14, 2012, my assistant booked two rooms at the Westin Cadillac for the duration of the trial. One room was intended for me. The other room was intended for my colleague, Carlos Singer. An e-mail confirming my hotel reservations is attached as Exhibit D.

6. The new two week trial date of March 26-April 6 coincides exactly with the two week spring break schedule at the school my children attend, Bel Air Presbyterian Preschool.

7. As we would not have childcare during those two weeks, my wife and I had planned on taking alternating days off of work so that one of us could watch our children. The change in trial date has left our family with no childcare during various days over the course of two weeks.

8. I have a hearing on a Motion to Dismiss a class action case on behalf of Microsoft Corporation, scheduled to be heard on April 2, 2011 in Los Angeles. I also have an opposition to a motion for summary judgment that is due in a different case on the same date.

9. I have a meeting of the Los Angeles Police Commission Police Permit Review Panel (where I serve as a Commissioner) on April 4, 2012 in Los Angeles.

10. Filed under seal as Exhibit H is a true and correct copy of Connexus' Consolidated Financial Statements for Fiscal Years December 31, 2009 and 2008. This document was produced to Plaintiff in October 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 5<sup>th</sup> day of March 2012 at Los Angeles, California.

/s/William A. Delgado  
William A. Delgado

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2012, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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*/s/William A. Delgado*

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